

had finished reading, he turned to Clara and said, "Thou has done me a great service, boy—what must be the reward?"—and with a reluctant hand he sought his purse. Even then the avarice that marked the character of Henry VII. was awake in the bosom of Richmond, and with a smile of pleasure he heard her say, "Nay, nay, my Lord, I want not gold; I came to save Dorsier from the appearance of perjury, to prevent the sacrifice of your betrothed wife to—"

"Well, well," replied the Earl, "all this thou hast done, and now I want a further service of these."

Clara looked inquiringly. He pandered awhile, and then, as if he thought some bribe necessary, took a diamond ring from his finger. Noticing another on his little finger of less value, he returned the diamond and gave her that.

"Take this, young sir, and hold it as a pledge that when it is again presented, the bearer shall claim his wish of Richmond." Clara took the ring, and holding it irresolutely between her thumb and finger, waited for him to proceed. The Earl went on.

"The service I require is this—take the horse that conveyed thee hither, and depart for the camp of Stanley. Show him the Queen's signet, and tell him to remain inactive till the battle commences to-morrow, and then to bring his forces to our aid. Tell him to do this, and we will find Richard other wise than murdering our half brother George, as he threatens. Why dost thou hesitate?" exclaimed he, noticing that Clara stood irresolute, "was it not Durst's wish that Stanley should join me? Go boy, and if good fortune follow us, remember it is to them we owe it, and that we shall not be ungrateful."

Clara hesitated but for a moment. She knew that Durst's men were collected purposely for Richmond. She reflected that his overthrow would involve the ruin of all she loved. In a few hurried words she expressed her willingness to perform the desired service, and left the tent.

[To be continued.]

MR. PICKENS' REPORT.

Mr. Pickens, from the Committee on Foreign Affairs, made the following report, which was ordered to be printed:

The Committee on Foreign Affairs, to whom was referred the Message of the President, transmitting a correspondence with the British Minister relating to the burning of the steamboat Caroline, and the demand made for the liberation of Mr Alexander McLeod, respectfully report:

It appears that the steamboat "Caroline" was seized and destroyed in the month of December, 1837. The committee are induced to believe that the facts of the case are as follows: The boat was owned by, and in possession of a citizen of New York. She was cleared from the city of Buffalo, and on the morning of the 29th of December, 1837, she left the port of Buffalo, bound for Schlosser, upon the American side of the Niagara river, and within the territory of the United States. The original intention seemed to be, to run the boat between Buffalo and Schlosser, or, perhaps, from Black Rock dam to Schlosser, and, should it seem profitable, it was intended to run her also to Navy Island, and touch at Grand Island and Tonawanda. Her owner was Mr. Wells, said to be a respectable citizen of Buffalo, and it is obvious, his intention of putting up the boat, was out of speculation and profit entirely. The excitement upon that portion of the frontier, at this period, had collected a great many in the neighborhood—some from curiosity—some from idleness—and others from taking an interest in the unusual and extraordinary collection of adventurous men gathered together at that time on Navy Island. Navy Island was "nominally" in the British territory.

The owner of the Caroline took advantage of these circumstances to make some money with his boat, by naming her, as a ferry boat, over to Navy Island. All these facts appear from testimony regularly taken, (see H. R. Doc. No. 392, pages 46 and 53, 2d Session, 26th Congress,) and the committee know of no legal evidence to contradict them. There is no proof that arms or munitions of war were carried in the boat, except, perhaps, one small six-pounder field piece belonging to a passenger. The principal object was to run the boat as a ferry boat from Schlosser, or the American side, to Navy Island, on the British side. It is believed that, even in war, a neutral power has the right to trade in contraband articles, subject, of course, to seizure and confinement, if taken within the jurisdiction of the commanding powers. If the offence charged in this case, committed as it was in time of peace, as far as he may be concerned, is a crime, as far as he may be concerned, solely against the "peace and dignity" of the State of New York, and her criminal jurisdiction is complete and exclusive. If the crimes committed, be such as to make a man *half-his-own master*—an outlaw, a pirate, in the legal acceptance of the term, then under the law of nations, the U. S. courts and tribunals would have jurisdiction. But the offence charged in this case, committed as it was in time of peace, as far as he may be concerned, was one purely against the *lex talionis*, and coming exclusively within the criminal jurisdiction of the tribunals of New York.

The Minister, in his letter of the 13th December, 1840, says: "It is quite notorious that Mr. McLeod was not one of the party engaged in the destruction of the steamer *Caroline*; and that the pretended charge upon which he has been impounded rests only upon the perjured testimony of certain Canadians, outlaws and their abettors, &c." This may purchased all he said; but it would be asking a great deal to require an American court to yield jurisdiction and surrender up a prisoner charged with offences against the law, upon the mere *ipse dicitur* of any man, no matter how high in authority. Whether McLeod be guilty or not guilty, is the very point upon which an American jury alone has a right to decide. Jurisdiction in State tribunals over criminal cases, and trial by a jury of the venue, are essential points in American jurisprudence. And it is a total misconception as to the nature of our system, to suppose that there is any right in the Federal Executive to arrest the verdict of the one, or thwart the jurisdiction of the other.

If such a power existed, and were exercised, it would effectually overthrow, and upon a vital point, separate the sovereignty and independence of these States. The Federal Executive might be clothed with power to deliver up fugitives from justice for offences committed against a foreign state, but even then it might not be obligatory to do so, unless it were made a matter of treaty stipulation. This duty and right in an Executive has generally been considered as dormant, and made binding by treaty arrangement. But when the master is reversed, and demand is made, not of fugitives from justice for offences committed against a foreign power, but for the liberation of a man charged with offences against the peace and dignity of one of our own states, then it is, that the demand becomes preposterous in the extreme. The fact that the offences were committed under the sanction of provincial authorities does not alter the case, unless we were in a state of war.

In such cases as the present, the power to deliver up could not be conferred upon the Federal Executive by treaty stipulation. It could only be conferred in these cases over which jurisdiction is clearly delegated by the Federal Constitution. Such, for instance, as treason, which is an offence against the conjoint sovereignty of the states, as defined in the Constitution. Over all cases except those defined in the Constitution, and those coming clearly under the laws of nations, the States have exclusive jurisdiction, and the trial and punishment for offences against them, are incident to their separate sovereignty. It is not pretended in this case that there is any treaty stipulation under which the demand is made; and the Federal Executive to arrest the verdict of the one, or thwart the jurisdiction of the other.

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Your committee deem it dangerous for the Executive to exercise any power over a subject matter not conferred by treaty or by law; and to exercise it in any case in conflict with State jurisdiction, would be worse than dangerous, it would be usurpation.

But your committee forbear to press these points further at present, and they would not have said as much on such clear questions of international law, but that in this case, the demand for liberation has been made by the accredited agent of a great power, and under circumstances of peculiar aggravation and excitement.

We have other points of difference with Great Britain, which add interest to every question that arises between us at present. Neither our Northeastern or Northwestern boundaries are yet settled with her, and the subject is not entirely free from difficulty. She has recently seized our vessels and exercised a power *laundering the rights of search* under the pretext of suppressing the foreign slave trade, which, if persevered in, will sweep our commerce from the coast of Africa, and which is incompatible with our rights as a maritime power. She has recently, in her intercourse with us, refused indemnity and denied our rights of property on

a subject matter vital to near one half the States of this Confederacy, and which, considering her military position at Bermuda, and her growing power in the West Indies, is the last importance to our national independence.

All these subjects make every question between us, at this peculiar juncture, of the deepest interest.

Besides this, we are both permanently destined to have, perhaps, the most extensive commerce of modern nations. Our flags float side by side, over every sea, and bay, and inlet of the known globe. She moves steadily upon her objects with an energy that knows no bounds. And whenever she has had a conflict of interest, she has rarely yielded to any power.

At this moment she presents the civilized world the spectacle of the greatest military and commercial power in combinations ever known.

From the vast possessions in every quarter of the globe, and her peculiar commercial system, she has been made the reservoir of the wealth of nations.

Her internal resources, skill, labour, and machinery, with her capital, are beyond calculation. Her natural position, being about midway the coast of Europe, gives her great control over the outlets and currents of commerce.

Her military occupations of Gibraltar, Malta, the Ionian Islands, and recently St. Jean d'Acre, give her ascendancy on the Mediterranean and the East, while St. Helena and the Cape of Good Hope give her possession over the currents of trade along those extensive coasts. The Bombay, Calcutta, and her immense possessions in the East Indies, together with her recent movements in the China seas and islands, enable her to extend her power over those vast regions that have shambled for ages in solitary and unenraged magnificence. She possesses Falkland Island but to control the commerce that passes around Cape Horn—while Trinidad gives her all she desires in the Caribbean sea. *Holiness at one point, and Bermuda at another,* stand out in great force over our coast from extremity to the other.

Her positions all over the world are at this moment in a military point of view, equal to a million of men under arms. Her continual conflicts in the mighty regions of the East, only enable her officers to become skilful and to improve in the art of war, while her great armies and extensive fleets draw their support from the immense countries seized and occupied. In the present juncture of affairs, no statesman can overlook these things. Steam power has recently brought us so near together, that in the event of any further conflict, *war with its effects* will be precipitated upon us with much more rapidity than formerly.

As to the other points presented in the demand made by the British Minister for the "liberation" of Alexander McLeod, the committee believe the facts of the case to be, that the steamboat was seized and burnt as stated before, and that a citizen or citizens of New York were murdered in the affray. And there were reasons to induce a belief that McLeod was *particular criminal*. He was at first arrested, and upon various testimony, was then discharged. He was afterwards arrested a second time. Upon the evidence then presented, he was impeded to await his trial. There was no invasion of British territory to seize or take him. He was arrested as any citizen of the United States, charged with a similar offence, might have been. We know of no law of nations that would exempt a man from arrest and imprisonment for offences charged to be committed against the "peace and dignity" of a State because he is a subject of Great Britain, or because he committed a crime at the instigation of, or under the authority of British Provincial officers, much less do we know of any law that would justify the President to deliver him up without trial, at the demand and upon the assertion as to facts, or any agent of the British Government.

If we had been at open war with Great Britain, and McLeod had committed the offences charged, then he might have fallen under the rules and regulations of war, and been treated as a prisoner of the United States Government, and would have been subject to the laws of nations in war. But as the alleged criminal acts, in which McLeod is charged to be implicated, were committed in profound peace, it is difficult to conjecture what system of *action and defence* will stand the test of time and experience.

We have a deep stake in peace, and fondly hope the repose of the world will not be disturbed. We have certainly not the last desire for any rupture. Firmness, and a wise preparation, will long preserve us from such a catastrophe. But while temptation should ever prompt us to do injustice on the one hand, so no consideration, on the other hand, should even induce us to submit to permanent wrong from any power on earth, no matter what the consequences may be.

Your committee would conclude by expressing a firm belief that all our points of difficulty may be honorably and amicably adjusted, and that harmony may long be preserved by both Governments pursuing a liberal and generous policy, congenial to the interests and feelings of both people, and compatible with the spirit and genius of an enlightened age.

THE NEW BARGAIN.

This revolving arrangement seems to be sufficiently known at present to the species of *politics* in the City of Kentucky, to succeed Gen. Harrison, and to effect that object, all the movements and appointments of the new administration are to be subordinate and subsidiary. "The old bargain" surely was bad enough, but the new one is far worse.

The old one was *against* a military chief-in; the new one is with a chief-inning and thus; in the short space of a dozen years, the public has seen Mr. Clay weeping and waiting the fate of the Republic in having a General chosen President in the person of General Jackson, and then going into caucus with the General himself (Scott and Harrison), to take his shining for a nomination to the Presidency, among them; and falling in that way, seen him given in his adhesion to the successful chief-in—travel to Nashville to praise and extol him—and now openly appear as his *sponsor* in the Senate—and with every indication of a tilt to the succession after him.

This is what the public have seen; and what they think of it?

Most they not think that either the weeping and waiting about General Jackson's election was sheer hypocrisy, or that a most marvelous change of principle has come over a man at the advanced age of sixty odd years? One or the other of these conclusions is inevitable; and as we have no faith in such miraculous changes of political principles in grey-headed politicians, we must set down Mr. Clay's former opposition to chief-ins as sheer hypocrisy, and his present love of chief-ins, as nothing but love of self, to be gratified by the admiring, confiding, and assistance which these two chief-ins (Scott and Harrison) can give him. The old bargain was bad enough; but the new one is far worse.

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